

A RESOLUTION RATIFYING  
AND APPROVING RESOLUTION  
OF THE FORT  
WAYNE BOARD OF PUBLIC  
WORKS.

WHEREAS, the Allen County-Fort Wayne Historical Society (Society) is a not-for-profit organization which until recently operated a living history museum located in a reproduction of Fort Wayne's namesake garrison (Old Fort), and for such purposes owned land (Real Estate) along the St. Marys River and on the east side of Spy Run Avenue, which Real Estate is more particularly described in the attached Exhibit A; and

WHEREAS, the Society has approached the City of Fort Wayne (City) offering to donate the Real Estate to the City, if, in consideration thereof, the City were willing to assume responsibility for the debt currently associated with the Real Estate, said debt being approximately \$29,000; and

WHEREAS, the City desires to the Real Estate for the purpose of flood control and the eventual use of parts thereof for a public park to be known as Headwaters Park, capital improvements to its water filtration facility, and such other public uses as may be deemed appropriate; and

WHEREAS, the Board of Works, acting as the City's acquisition agency, has entered into agreement with the Fort Wayne Redevelopment Commission, thereby appointing the Redevelopment Commission as the Board's agent for the negotiation for and acquisition of said Real Estate, procuring environmental site assessment services, title work, and other functions in aid of acquisition; and

WHEREAS, pursuant to said Agreement, the Redevelopment Commission has made a recommendation to the Board of Works for the acquisition of the Real Estate; and

1 WHEREAS, the Board of Works has adopted Resolution  
2 \_\_\_\_\_ approving the acquisition of the Real Estate,  
3 and establishing the cost of the acquisition as an amount  
4 not to exceed the \$29,000 debt outstanding against the  
5 Real Estate; and

6 WHEREAS, the Redevelopment Commission is endeavoring  
7 to have the debt reduced or forgiven entirely.

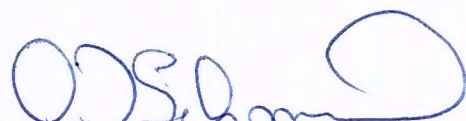
8 WHEREAS, pursuant to Indiana Code 36-1-10.5-5 et  
9 seq., the Redevelopment Commission may not proceed with  
10 the acquisition process on behalf of the Board of Works  
11 until the approval of Resolution \_\_\_\_\_ by this Common  
12 Council; and

13 WHEREAS, this Common Council has reviewed said  
14 Resolution and desires to approve same; and

15 NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL  
16 OF THE CITY OF FORT WAYNE, INDIANA:

17  
18 SECTION 1. Resolution \_\_\_\_\_ of the Fort  
19 Wayne Board of Public Works, attached hereto, is hereby  
20 approved, ratified, and confirmed.

21 SECTION 2. This Resolution shall be in full  
22 force and effect from and after its passage and approval  
23 by the Mayor.

24 

25 Council Member

26 APPROVED AS TO FORM  
27 AND LEGALITY


28   
29 J. Timothy McCaulay, City Attorney  
30  
31  
32



EXHIBIT A

Tract I

Lot 1 in vacated Eliza K. Bossler's Subdivision of Part of Lot Number 5 of Well's Reserve, except the East 30 feet of the North 60 feet and except the North 10 feet of the West 10 feet of said Lot; and

Lots 2, 3, 4 and the east 5.5 feet of Lot 5 in vacated Eliza K. Bossler's Subdivision of Part of Lot Number 5, of Well's Reserve except the North 10 feet thereof, and 1/2 vacated Bossler Avenue; and

Lots 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 in Eliza K. Bossler's Subdivision of Part of Lot Number 5 of Well's Reserve together with 1/2 the abutting alley, and vacated River Street; and

Lots number 3 and Lot 4 of Bossler's Addition to the city of Fort Wayne except the West 45 feet of the North 8 feet of said Lot 4, together with 1/2 the abutting vacated alley; and

Lots 69, 70, 71, 72, and 73 in Baltes and Romy's Addition to the City of Fort Wayne; and

A part of Lot No. 5 in Wells Reserve located in Township 30 North, Range 12 East, in the City of Fort Wayne, Indiana, described more particularly as follows, to-wit:

Beginning at a point on the west line of Spy Run Avenue where the same is intersected by the north line of a ten foot alley which alley leads directly west into a platted Street known as Bossler Avenue in the plat of Eliza Bossler's Subdivision to the City of Fort Wayne, Indiana, this point being the southeast corner of real estate herein described; thence north along the west line of Spy Run Avenue, distance 36 feet; thence west along a line running parallel with the north line of the alley heretofore mentioned, a distance of 142.0 feet; thence in a north westerly direction to a point on the east line of Lot No. 1 of Eliza Bossler's Subdivision to the City of Fort Wayne, which point is located 43 feet north of the southeast corner of said Lot No. 1, a distance of 12 feet; thence south along the east line of said Lot No. 1 Eliza Bossler's Subdivision, a distance of 43 feet to the north line of the 10 foot alley heretofore mentioned; thence east along the north line of said alley, a distance of 151.5 feet to the point of beginning; and 1/2 the abutting alley above described; and

The real estate north of the parcel conveyed by Historic Fort Wayne, Inc. to the Allen County-Fort Wayne Historical Society, Inc. dated August 12, 1987, and recorded at document number 87-41643, between the east line of Barr Street and the St. Marys River, which real estate is also described as follows:

Beginning on the east right-of-way of Barr Street at a point 1099.1 feet N 11°-37'W from the point of intersection of said east right-of-way line with the north right-of-way line of Superior Street; thence N 11°-37'W on and along said east right-of-way line extended to the west bank of the St. Marys River, thence following the meanderings of the west bank of the St. Marys River east and south to a point 186.7 feet N 85°-43'E of the place of beginning, being the northeast corner of the

parcel conveyed in document 87-41643, thence 186.7 feet S 85°-43'W to the place of beginning;

## Tract II

Lots 5, 6, and 7 and the West 45 feet of the North 8 feet of Lot 4 in Bossler's Addition to the City of Fort Wayne; and

Lots 1, 2, 3, 4, 5, 6, 7, and 8 in Bobilya's Subdivision to the City of Fort Wayne; and

Lot 6 and Lots numbered 7 to 11 inclusive in Eliza K. Bossler's Subdivision a Part of Lot number 5 of Well's Reserve, and 1/2 of vacated Bossler Avenue; and

A part of Lot Five (5) Wells Reserve described as follows:

Commencing at the Northeast corner of Lot Numbered Eight (8) Bobilya's Subdivision of Bossler's Addition to the City of Fort Wayne; thence North along the West line of Spy Run Avenue 70 feet; thence West parallel to the North line of said Lot Numbered Eight (8), 150 feet; thence South parallel with the West line of Spy Run Avenue 70 feet; thence East along the North line of said Lot Numbered Eight (8) to the place of beginning; together with 1/2 the abutting vacated alley; and

The real estate situated North of the twenty-six (26) foot Northern boundary line of the parcel of real estate conveyed by Northern Indiana Public Service Company, an Indiana corporation, to Donald D. Hall by Warranty Deed dated August 12, 1955, and recorded in Deed Record 500, pages 492-4, Office of the Recorder of Allen County, and between the East line of Barr Street projected North to the St. Marys River, and the Westerly Bank of the St. Marys River, all in the City of Fort Wayne, County of Allen, State of Indiana, which real estate is also described as follows:

Part of Section 2, Township 30 North, Range 12 East, in the City of Fort Wayne, Indiana, more particularly described as follows, to-wit:

Beginning on the East right-of-way line of Barr Street at a point situated 766.9 feet, N 11°-37'W from the point of intersection of said East right-of-way line with the North right-of-way line of Superior Street; thence N 11°-37'W, on and along said East right-of-way line, a distance of 332.2 feet; thence N 85°-43'E, a distance of 186.7 feet to a point on the Westerly bank of the St. Marys river; thence S 15°-41'W, on and along said Westerly bank, a distance of 347.0 feet; thence S 78°-23'W, a distance of 26.0 feet to the point of beginning, containing 0.798 acres of land, subject to all easements of record each of the foregoing tracts includes.



Read the first time in full and on motion by Delmuth, seconded by                     , and duly adopted, read the second time by title and referred to the Committee on Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on                     , the                      day of                     , 19                     , at                      o'clock                      M., E.S.T.

DATED: 11-22-94 Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Delmuth, seconded by                     , and duly adopted, placed on its passage. PASSED LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>7</u>	<u>                    </u>	<u>                    </u>	<u>2</u>
BRADBURY	<u>✓</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
EDMONDS	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>✓</u>
GIAQUINTA	<u>✓</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
HENRY	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>✓</u>
LONG	<u>✓</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
LUNSEY	<u>✓</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
RAVINE	<u>✓</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
SCHMIDT	<u>✓</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
TALARICO	<u>✓</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>

DATED: 12-13-94 Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 09-74-94 on the 13th day of December, 19 94

ATTEST: (SEAL) Rebecca Prairie  
Sandra E. Kennedy PRESIDING OFFICER  
SANDRA E. KENNEDY, CITY CLERK

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of December, 19 94, at the hour of 10:30 o'clock A M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 14th day of December, 19 94, at the hour of 5:00 o'clock P M., E.S.T.

Paul Helmke  
PAUL HELMKE, MAYOR



BOARD OF PUBLIC WORKS

RESOLUTION NUMBER 81-188-10

RESOLUTION FOR THE ACQUISITION OF REAL ESTATE  
("OLD FORT" AND RELATED LAND HOLDINGS)

Whereas, the Allen County-Fort Wayne Historical Society (Society) is a not-for-profit organization which until recently operated a "living history" museum located in a reproduction of Fort Wayne's original garrison (Old Fort), and for such purposes owned land (Real Estate) along the St. Marys River and on the east side of Spy Run Avenue, which Real Estate is described in the attached Exhibit A; and

Whereas, faced with a steep decline in patronage and burdensome operating costs, the Society decided in late 1993 to close the Old Fort; and

Whereas, the Society has approached the City of Fort Wayne offering to donate the Real Estate to the City, if, in exchange, the City were willing to assume the debt currently associated with the property; and

Whereas, the City of Fort Wayne desires to acquire the Real Estate for the purpose of flood control and the eventual use of parts thereof for a park, capital improvements to its water treatment facility, and various other public uses as may be deemed appropriate; and

Whereas, the Board of Public Works is the purchasing agent pursuant to I.C. 36-1-1.5-3 for the purpose of effecting said acquisition; and

WHEREAS, the Board of Public Works has employed the Redevelopment Commission (Commission) as its agent in the negotiation for and acquisition of said Real Estate, environmental survey, title work and other functions in aid of acquisition; and

WHEREAS, the Commission has retained two independent state licensed MAI appraisers for the purpose of determining the market value of the Real Estate, and said appraisers have determined that the value of the Real Estate exceeds the amount of the debt against it; and

WHEREAS, the Commission is endeavoring to have the debt against the Real Estate reduced or forgiven entirely.

NOW, THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that:

1. The Real Estate herein identified is approved for acquisition.
2. The City's cost to acquire said Real Estate is hereby established as an amount not to exceed the debt outstanding against the property, which amount is \$29,000.

Resolved this 23 day of November, 1994.

FORT WAYNE BOARD OF PUBLIC WORKS

Linda Buskirk  
Linda Buskirk, Director

C. James Owen  
C. James Owen, Member

Terrance P. McCaffrey  
Terrance P. McCaffrey, Member

ATTEST: Patricia J. Crick  
Patricia J. Crick, Clerk

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## Fort Wayne Redevelopment Commission

---

TO: Members of City Council  
FROM: Ronald R. Fletcher, Executive Director  
DATE: November 22, 1994  
SUBJECT: Acquisition of the Old Fort

### BACKGROUND

Q-94-11-15

The Fort Wayne Redevelopment Commission, acting as the agent for the Board of Public Works, seeks the Common Council's approval for the acquisition of the Old Fort and associated land holdings. On Wednesday, November 23, 1994, the Board will adopt a resolution approving the acquisition.

The Allen County-Fort Wayne Historical Society, owner of the property, ceased operation of its living history museum in the fall of 1993. The Society has approached the City offering to donate the real estate to the City, if, in consideration thereof, the City were willing to take responsibility for \$29,000 indebtedness connected with the land. The Redevelopment Commission is now attempting to have reduced or forgiven altogether.

Future use of the property is projected to include flood control, park construction in association with Headwaters Park, and possible capital improvements to the City's water treatment facility. Presently, Bob Arnold, Parks and Recreation Director, is preparing to issue a request for proposals in an effort to solicit ideas for the re-use of the property.

### HIGHLIGHTS OF THE PROPOSED ORDINANCE

The proposed resolution approves, ratifies, and confirms the Board of Works resolution approving the acquisition of the Old Fort and associated land holdings. The real estate is more particularly described in Exhibit A to the Common Council resolution, and is highlighted on the attached map.

### RECOMMENDATION

I recommend that Council adopt the attached resolution, approving the acquisition of the Old Fort and associated land holdings. Passage will enable the City to control the future use of this property for the public's benefit.

One Main Street, Rm 840 City-County Building  
Fort Wayne, Indiana 46802  
Telephone: 219-427-1127  
Fax: 219-427-1375

**DIGEST SHEET**

**TITLE OF ORDINANCE** OLD FORT ACQUISITION

**DEPARTMENT REQUESTING ORDINANCE** REDEVELOPMENT

**SYNOPSIS OF ORDINANCE** \_\_\_\_\_

Approves, ratifies, and confirms Board of Works  
action approving the acquisition of the Old Fort  
and associated land holdings.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**EFFECT OF PASSAGE** The City can proceed with the acquisition

\_\_\_\_\_

**EFFECT OF NON-PASSAGE** The City cannot proceed with the  
acquisition. The City risks losing control over the  
future use of the property.

**MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS)**   

A \$29,000 debt connected with the property

**ASSIGNED TO COMMITTEE (PRESIDENT)** \_\_\_\_\_

\_\_\_\_\_



BILL NO. R-94-11-15

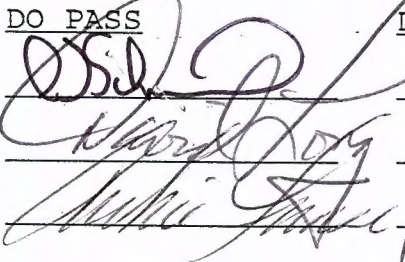
*12-13-94*

REPORT OF THE COMMITTEE ON  
FINANCE  
CLETUS R. EDMONDS - DONALD J. SCHMIDT - CO-CHAIR  
ARCHIE L. LUNSEY  
DAVID C. LONG

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS

REFERRED AN ~~(ORDINANCE)~~ (RESOLUTION) RATIFYING AND APPROVING  
RESOLUTION OF THE FORT WAYNE BOARD OF PUBLIC WORKS

HAVE HAD SAID ~~(ORDINANCE)~~ (RESOLUTION) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(~~ORDINANCE~~) (RESOLUTION)

<u>DO PASS</u>	<u>DO NOT PASS</u>	<u>ABSTAIN</u>	<u>NO REC</u>
			

DATED: *12-13-94*

Sandra E. Kennedy  
City Clerk